

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4224 of 10th December, 2015

LEGAL NOTICE NO. 222 OF 2015.

TRAFFIC ACT 2005

**TRAFFIC (LICENSING AND REGISTRATION)
(AMENDMENT) (No. 2) REGULATIONS 2015**

In exercise of the powers conferred on it by sections 57 and 61 of the Traffic Act 2005 and in order to transpose into the law of Gibraltar Commission Directive 2014/85/EU of 1 July 2014 amending Directive 2006/126/EC of the European Parliament and of the Council on driving licences, the Government has made the following Regulations—

Title.

1. These Regulations may be cited as the Traffic (Licensing and Registration) (Amendment) (No. 2) Regulations 2015.

Commencement.

2. These Regulations come into operation on 31 December 2015.

Amendment of the Traffic (Licensing and Registration) Regulations.

3. The Traffic (Licensing and Registration) Regulations are amended in accordance with the provisions of these Regulations.

Amendment of Schedule 4A.

4. In Schedule 4A, for paragraph 11 substitute—

“NEUROLOGICAL DISEASES AND OBSTRUCTIVE SLEEP
APNOEA SYNDROME

NEUROLOGICAL DISEASES

11.1. Driving licences shall not be issued to, or renewed for, applicants or drivers suffering from a serious neurological disease, unless the application is supported by authorised medical opinion.

Neurological disturbances associated with diseases or surgical intervention affecting the central or peripheral nervous system, which lead to sensory or motor deficiencies and affect balance and coordination, must accordingly be taken into account in relation to their functional effects and the risks of progression. In such cases, the issue or renewal of the licence may be subject to periodic assessment in the event of risk of deterioration.

OBSTRUCTIVE SLEEP APNOEA SYNDROME

11.2. In the following paragraphs, a moderate obstructive sleep apnoea syndrome corresponds to a number of apnoeas and hypopnoeas per hour (Apnoea-Hypopnoea Index) between 15 and 29 and a severe obstructive sleep apnoea syndrome corresponds to an Apnoea-Hypopnoea Index of 30 or more, both associated with excessive daytime sleepiness.

11.3. Applicants or drivers in whom a moderate or severe obstructive sleep apnoea syndrome is suspected shall be referred for further authorised medical advice before a driving licence is issued or renewed. They may be advised not to drive until confirmation of the diagnosis.

11.4. Driving licences may be issued to applicants or drivers with moderate or severe obstructive sleep apnoea syndrome who show adequate control of their condition and compliance with appropriate treatment and improvement of sleepiness, if any, confirmed by authorised medical opinion.

11.5. Applicants or drivers with moderate or severe obstructive sleep apnoea syndrome under treatment shall be subject to a periodic medical review, at intervals not exceeding three years for drivers of group 1 and one year for drivers of group 2, with a view to establish the level of compliance with the treatment, the need for continuing the treatment and continued good vigilance.”.

Amendment of Schedule 4B.

5. In Schedule 4B–

(a) for point 2.1.3 substitute –

“2.1.3. The road:

- the most important principles concerning the observance of a safe distance between vehicles, braking distances and road holding under various weather and road conditions,
 - driving risk factors related to various road conditions, in particular as they change with the weather and the time of day or night,
 - driving risk factors related to various road conditions, in particular as they change with the weather and the time of day or night,
 - safe driving in road tunnels;”;
- (b) in point 5.1.3 after “: B, BE, C, CE, C1, C1E, D,” insert “DE”;
- (c) for point 6.3.8 substitute –
- “6.3.8. Special road features (if available): roundabouts; railway level crossings; tram/bus stops; pedestrian crossings; riding up-/downhill on long slopes; tunnels;”;
- (d) for point 7.4.8 substitute –
- “7.4.8. Special road features (if available): roundabouts; railway level crossings; tram/bus stops; pedestrian crossings; riding up-/downhill on long slopes; tunnels;”;
- (e) for point 8.3.8 substitute –
- “8.3.8. Special road features (if available): roundabouts; railway level crossings; tram/bus stops; pedestrian crossings; riding up-/downhill on long slopes; tunnels;”.

Dated 10th December, 2015.

P J BALBAN,
Minister with responsibility for transport, traffic and technical services,
for the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Traffic (Licensing and Registration) Regulations in order to transpose into the law of Gibraltar Commission Directive 2014/85/EU.

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